

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under  
37 C.F.R. 1.53(b))

Attorney Docket No.

3033.1002-004

First Named Inventor or  
Application Identifier

Darrell H. Carney

Express Mail Label No.

EL928149355 US

Title of  
Invention

Stimulation of Bone Growth with Thrombin Peptide Derivatives

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

1. ☐ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification **Total Pages [ 29 ]**  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☐ Drawing(s) (35 U.S.C. 113) **Total Sheets [ ]**
  - ☐ Fig. of the Drawings for Publication ☐
  - ☐ No Figure to be Published
4. ☐ Oath or Declaration **Total Pages [ ]**
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 C.F.R. 1.63(d))  
(for continuation/divisional with Box 17 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

6. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form
  - b. ☐ Paper Copy (identical to computer copy)
 

☐ Pages
  - c. ☐ Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & documents)
  - ☒ Assignee -  
Univ. of Texas System, Board of Regents  
Austin, Texas 78701
8. ☐ Power of Attorney ☐ 37 C.F.R. 3.73(b) Statement
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard
13. ☐ Small Entity Statement(s)
- 14a. ☐ Foreign Priority Claim under 35 U.S.C. §119 or 365
- 14b. ☐ Certified Copy of Priority Document(s)
15. ☐ Nonpublication Request (check parent application)
16. ☒ Other Remarks Letter

17. If a CONTINUING APPLICATION, check appropriate box; supply the requisite information.

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/909,122

Prior application information: Examiner: Not Assigned Group Art Unit: 1645

The entire disclosure of the prior application is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference.

(Add standard Related Applications section with incorporation by reference to specification or update same)

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*Linda M. Chinn*  
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Date

*January 16, 2002*  
81,240

Submitted by  
Typed or Printed Name

Reg. Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Darrell H. Carney, Roger S. Crowther, David J. Simmons, Jinping Yang and  
William R. Redin

Continuation Application of

Application No.: 09/909,122

Filed: July 19, 2001

For: Stimulation of Bone Growth with Thrombin Peptide Derivatives

Date: 1-16-02

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REMARKS

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The above-captioned application is a continuation of application number 09/909,122 filed on July 19, 2001 to which priority is claimed under 35 U.S.C. §120.

The related applications paragraph has been revised to include the parent application.

The parent application of this continuation application incorporates by reference the entire contents of United States Patent Nos. 5,500,412 and 5,352,664 (see specification of 09/909,122 at page 5, line 4).

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In this continuation application, the specification has been amended to include a two-paragraph portion of the material previously incorporated by reference from those patents. The two-paragraph portion is identically recited in both patents and is contained at column 6, lines 35-48 of United States Patent No. 5,500,412 and at column 6, lines 54-68, continuing to column 7, lines 1-2 of United States Patent No. 5,352,664.

The two paragraphs were added to the specification of this continuation application at page 6, lines 18-28, and are directed to, for example, physiologically functional equivalents of thrombin derivatives which encompass modifications such as amidation of the carboxyl terminus. The term "thrombin derivatives", utilized in United States Patent Nos. 5,500,412 and 5,352,664 has been further clarified in this application to be "thrombin peptide derivatives" for consistency. The parent application additionally teaches specific amino acid sequences of thrombin derivatives, such as SEQ ID NO.: 5 (page 7, lines 8-10).

The present continuation application has been further amended at page 3, line 14 and at page 8, lines 1-3, to place the teachings directed to the physiologically functional equivalents of thrombin derivatives as described in the preceding paragraph in additional locations in the continuation application. The purpose of these amendments is to more readily convey this aspect of the invention to the public. Further to that end, the amino acid sequence of SEQ ID NO.: 5, the thrombin derivative, has been additionally represented as a sequence with an amide at the C-terminus in SEQ ID NO.: 6, a physiologically functional equivalent of a thrombin derivative.


The subject matter of Claims 13-15, 38-40 and 44-46 is first presented in this continuation application, but is fully supported in both the parent and this application. Support can be found at least in the two paragraphs added from United States Patent Nos. 5,352,664 and 5,500,412 and in the parent application at page 7, lines 8-10. The claims in this application have been renumbered due to the addition of the new claims, and claim dependencies were also suitably renumbered as necessary.

No new matter has been added by the amendments to the specification or by the new claims. Therefore, entry of this application as a continuation of the parent application is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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